

KATHY A. DOCKERY

CHAPTER 13 TRUSTEE

801 S. FIGUEROA ST., SUITE 1850

LOS ANGELES, CA 90017

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UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

IN RE:

ARTURO RAFAEL
QUINTERO-RAMIREZ
ALEJANDRA CASTILLO

DEBTOR(S).

CASE NO.: 2:17-bk-18821-SK

CHAPTER 13

TRUSTEE'S NOTICE OF MOTION AND MOTION TO DISMISS
CHAPTER 13 CASE DUE TO MATERIAL DEFAULT OF THE
PLAN PURSUANT TO §1307(c)(6); DECLARATION OF
KATHY A. DOCKERY IN SUPPORT THEREOF

DATE: September 13, 2018

TIME: 10:30 am

PLACE: ROYBAL BUILDING
255 EAST TEMPLE STREET
Courtroom 1575 15th Floor
LOS ANGELES, CA 90012

TO THE HONORABLE SANDRA R. KLEIN, UNITED STATES BANKRUPTCY JUDGE, THE DEBTOR(S)

AND ALL OTHER PARTIES IN INTEREST:

PLEASE TAKE NOTICE that the Chapter 13 Trustee, Kathy A. Dockery, hereby moves for an order dismissing this case pursuant to 11 U.S.C. §1307(c)(6) due to material default by the Debtors with respect to a term of the confirmed plan. Specifically, the Debtors are failed to produce all Federal & State Income Tax Returns for the Trustee's inspection and review.

Pursuant to Local Bankruptcy Rule 9013-1(f)(1), notice is further given that any person opposing this motion shall, not later than fourteen (14) days prior to the above-referenced hearing date, serve upon the Chapter 13 Trustee and file with the clerk's office, a written statement explaining all reasons in opposition thereto.

This Motion is based on this Notice, the Declaration of Kathy A. Dockery and any further argument and evidence offered at the hearing.



DATED: 6/28/18

KATHY A. DOCKERY,
CHAPTER 13 TRUSTEE

I, Kathy A. Dockery, declare as follows:

1. I am the duly appointed, qualified and standing Chapter 13 Trustee in this case and by virtue thereof, I have personal knowledge of files and records kept by my office in the regular course of business . I have personally reviewed the files and records kept by my office in the within case . The following facts are true and correct and within my own personal knowledge and I could and would testify competently thereto if called to do so.

2. On 2/15/18, this Court confirmed the Debtors' chapter 13 plan which requires the Debtors to produce a copy of all Federal & State Income Tax Returns during the plan term for my Office's inspection and review.

3. The Debtors have failed to produce a copy of all post-confirmation Federal & State Income Tax Returns and is therefore in material breach of the order confirming the plan.

4. The Debtors have failed to produce Federal & State Income Tax Returns for the following tax year(s): 2017.

I declare, under penalty of perjury, that the foregoing is true and correct.



KATHY A. DOCKERY,
CHAPTER 13 TRUSTEE

DATED: 6/28/18

In re: ARTURO RAFAEL QUINTERO-RAMIREZ ALEJANDRA CASTILLO	CHAPTER: 13 CASE NUMBER: 2:17-bk-18821-SK
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Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

801 S. Figueroa Street, Suite 1850
Los Angeles, California 90017

A true and correct copy of the foregoing document described as "DISMISS CASE BY TRUSTEE (MOTION)", will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

Service information continued on attached page

II. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL**(indicate method for each person or entity served):

On 6/28/18, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

III. **SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

6/28/18

Gloria Mangum

Date

Type Name



Signature

In re: **ARTURO RAFAEL QUINTERO-RAMIREZ**
ALEJANDRA CASTILLO

CHAPTER: 13

CASE NUMBER: **2:17-bk-18821-SK**

Service List

Arturo Rafael Quintero-Ramirez
Alejandra Castillo
5323 Bridgeview Ave
Pico Rivera, CA 90660

LAW OFFICES OF TYSON TAKEUCHI
1055 WILSHIRE BLVD
STE 850
LOS ANGELES, CA 90017

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

January 2009

F 9013-3.1